

REMARKS / ARGUMENTS

Claims 42, 44-50 and 52-65 remain pending in this application. Claims 1-41 and 66-79 have been withdrawn from consideration and as such have been canceled without prejudice or disclaimer. No new claims have been added.

35 U.S.C. §103

Claims 42, 50, 54-56 and 62-65 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sayle (U.S. Patent No. 6,356,863) in view of Dutta et al (U.S. Patent No. 6,636,854) and further in view of Schmitz et al (U.S. Patent No. 7,231,382). Claims 44-49, 52, 53 and 57-61 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sayle in view of Dutta et al, further in view of Schmitz et al and further in view of Hill (U.S. Patent No. 7,020,658). These rejections are traversed as follows.

It is submitted that the rejection of the claims under this section is based on an impermissible use of hindsight reconstruction in which the pending claims are used as a template in which the individual elements are searched for in the prior art and combined, absent any motivation, in order to arrive at the presently claimed invention. As acknowledged by the Examiner, Sayle is silent with respect to a second export from the plurality of files to a search engine. The Examiner relies upon Dutta et al for curing this deficiency. However, Dutta et al merely disclose a

search engine with peer-to-peer search results and does not disclose that the search engine uses NFS or CIFS protocol to access files in a file server.

It is respectfully submitted that the Examiner has not established why it would have been obvious to one of ordinary skill in the art to combine Sayle and Dutta et al in order to provide a first export from the plurality of files, representative of contents of the plurality of files, to each of a plurality of client computers and a second export from the plurality of files to a search engine. The Examiner cites Dutta et al at column 1, lines 41-54, as providing motivation to connect a peer-to-peer network to form a distributed file-sharing system. The Examiner further comments that, as a result, the search request provides a useful manner for finding new content that is not yet been indexed by the search engines. While it is acknowledged that the presently claimed invention provides advantages over the prior art, it does not follow that one of ordinary skill in the art would combine Sayle and Dutta et al to provide such advantages of the presently claimed invention absent some motivation. It is submitted that the present application itself provides such motivation and cannot be relied upon by the Examiner to reject the claims.

Furthermore, the Examiner alleges that Sayle discloses that "in response to receiving the directory list request, determining whether the selected one of the first and second exports is for one of the client computers or the search engine based on one of the received export information" (citing column 4, lines 38-52) "and IP address associated with the directory list request" (citing column 6, lines 21-33)(see Office Action, page 4, lines 8-12). Applicants respectfully disagree. Sayle does not make

any such determination based on one of the received export information (namely, one of the first and second exports) and an IP address associated with the directory list request. This is necessarily the case since Sayle does not disclose first and second exports. As such, Sayle does not disclose determining whether the selected one of the first or second export is for one of the client computers or the search engine.

Although it is submitted that no claim amendment is necessary, independent claims 42 and 50 have been amended to clarify that the determination is based on received export information for one of the first and second exports. It is submitted that independent claims 54 and 56 are written in a different format from claims 42 and 50 and do not require the same amendment.

Once again, it is submitted that simply because Dutta et al disclose a method for using a search engine with peer-to-peer search results, such disclosure cannot be combined with Sayle to arrive at the presently claimed invention absent hindsight reconstruction.

The deficiencies in primary references of Sayle and Dutta et al are not overcome by resort to the secondary references of Schmitz et al and Hill. Indeed, the Examiner merely relies upon Schmitz et al for using NFS or CIFS protocol. Further, the Examiner merely relies upon Hill for disclosing criteria based on one or more files types, file owner information, file creation dates, and file sizes.

Any combination of these references fails to render any of the pending independent claims obvious and unpatentable. The combination of providing first

and second exports and determining whether the selected one of the first and second exports is for one of the client computers or the search engine based on received export information for one the first and second exports and an IP address associated with the directory list request clearly and patentably define claims 42 and 50 over the cited art. While, claims 54 and 56 use different language, it is submitted that they also patentably define the present invention over the cited art.

Request for Interview

In view of the lengthy prosecution history of the present application, Applicant requests that the Examiner conduct an interview with the undersigned in order to expedite prosecution. As such, the Examiner is hereby invited to contact the undersigned by telephone in order to arrange an appropriate date and time for such interview.

Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

MATTINGLY & MALUR, P.C.

By /Shrinath Malur/

Shrinath Malur
Reg. No. 34,663
(703) 684-1120